

EXHIBIT P

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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

THE WIMBLEDON FUND, SPC (CLASS
TT),

Plaintiff,

vs.

GRAYBOX LLC; INTEGRATED
ADMINISTRATION; EUGENE SCHER,
AS TRUSTEE OF BERGSTEIN TRUST;
and CASCADE TECHNOLOGIES CORP.,

Defendants.

C.D. Cal. Case No. 2:15-cv-6633-
CAS-AJWx

**DECLARATION OF VINCENT
KING IN SUPPORT OF
MOTION FOR PRELIMINARY
INJUNCTION AGAINST
GRAYBOX LLC**

Hearing:

Date: October 19, 2015

Time: 10:00 a.m.

The Hon. Christina Snyder

1 I, Vincent King, declare under penalty of perjury under the laws of the United
2 States of America pursuant to 28 U.S.C. § 1746, as follows:

3 1. I am a Director of the Wimbledon Fund SPC (Class TT) (the "Fund"), the
4 plaintiff in this action. I have personal knowledge of the facts set forth herein and am
5 authorized to submit this Declaration in support of the Fund's motion for a
6 preliminary injunction against defendant Graybox LLC (the "Motion").

7 2. In November 2011, the Fund entered into a Note Purchase Agreement
8 (the "NPA") with Swartz IP Services Group Inc. ("SIP"). I have reviewed the
9 Motion, and a true and correct copy of the NPA is attached as Exhibit A to the
10 Motion.

11 3. It was understood that the transaction with SIP was a total return swap
12 transaction. Specifically, pursuant to the NPA, the Fund was afforded the right to
13 purchase up to \$25 million of reference notes (the "SIP Notes"). A true and correct
14 copy of the SIP Notes is attached to the Motion as Exhibit B. The NPA provided that
15 the SIP Notes would increase or decrease in value each year based on the performance
16 of Tewksbury Investment Fund Ltd. ("Tewksbury"). The Fund's assets had
17 traditionally been directly or indirectly invested in Tewksbury, a well-known multi-
18 billion dollar hedge fund, which yielded stable and consistent, high single-digit
19 returns, for the Fund and its investors.

20 4. In connection with the contemplated swap transaction, the Fund made
21 payments of \$12.5 million and \$5.2 million to SIP in November and December 2011.

22 5. In August and October 2012 and January 2013, the Fund made
23 redemption requests on SIP. SIP ignored those requests.

24 6. Thereafter, in February 2013, the Fund declared the SIP Notes
25 immediately due and payable. SIP ignored the acceleration notice.

26 7. As the Fund later learned, the transaction with SIP was not a "total return
27 swap" and, in fact, SIP was nothing more than a fictitious corporate entity that four
28 individuals, David Bergstein, Jerome Swartz, Aaron Grunfeld, and Kiarash Jam,

1 created for the sole purpose of perpetuating fraud. The Fund was a victim of that
2 fraud.

3 8. On February 8, 2013, the Fund filed an action in New York state court to
4 recover the \$17.7 million that was advanced to SIP pursuant to the NPA. A true and
5 correct copy of the complaint filed in New York is attached to the Motion as Exhibit
6 C. That action resulted in the entry of an \$18,171,635 award against SIP and in favor
7 of the Fund.

8 9. On July 30, 2015, the Fund filed a complaint against David Bergstein,
9 Jerome Swartz, Aaron Grunfeld, and Kiarash Jam in the United States District Court
10 for the Southern District of Texas. The Fund alleges that those individuals are the
11 alter egos of SIP and are therefore personally liable for the award entered in New
12 York.

13 Dated: September 9, 2015
14 Nassau, Bahamas



Vincent King